

# EXHIBIT D

IN THE HIGH COURT OF FIJI AT SUVA  
CIVIL JURISDICTION

Civil Action No. HBM No. 57 of 2022

BETWEEN : **THE DIRECTOR OF PUBLIC PROSECUTIONS** of the Republic of Fiji, 25 Gladstone Road, Suva.

**Applicant**

AND : **SULEIMAN ABUSAIDOVICH KERIMOV** being the beneficial owner of the Motor yacht Amadea with International maritime Organisation Number 1012531 having his address of service at Haniff Tuitoga, 12 Vesi Street, Flagstaff.

**First Respondent**

AND : **MILLEMARIN INVESTMENT LTD** having its address of service at Haniff Tuitoga, 12 Vesi Street, Flagstaff

**Second Respondent**

**AFFIDAVIT OF** [REDACTED]

I, [REDACTED], of [REDACTED] and from [REDACTED] currently in charge as Chief Engineer on board the Motor Yacht Amadea currently berthed at the Lautoka Wharf state as follows:

1. My name is [REDACTED]. I am one of the rotating Chief Engineers of the Motor Yacht Amadea with the International Maritime Organization Number 1012531. I have held the position of Chief Engineer on other vessels since September 2005. I have held the position of Chief Engineer on Amadea since June 2016. I am involved with AMADEA during the final stages of built and delivery of the Vessel and have profound knowledge of her systems and operation. I hold a Certificate of Competence as 'Engineer Class One Unlimited'. Below is a list of the main licenses that I hold.

DOCUMENT	DOC. NUMBER	ISSUED
(CoC) CERTIFICATE OF COMPETENCE STCW'95 – ENGINEER CLASS ONE UNLIMITED MOTOR & STEAM (REG III/II)	[REDACTED]	Issuing Authority: Government of Ireland 17.12.2002

<b>CAYMAN ISLANDS ENDORSEMENT CHIEF ENGINEER LICENSE</b>		Maritime Authority of Cayman Islands, 03.10.2026, Mr. Greg Evans, QR Code Seal Nr. 00020296
<b>CRISIS MANAGEMENT AND HUMAN BEHAVIOUR</b>		Issuing Authority: Marlins, Glasgow, UK 2017.01.07

2. Motor Yacht Amadea's major upcoming technical maintenance required and originally planned for Subic Bay are as per attached quotes by service companies and listed below.

*\*\*Note: All engines and generators have approx 1000 hrs left before the services are due.*

**Main Engines :** 2 x 4500 Hrs maintenance. € 325,363,04  
**Generators:** 3 x 3000 Hrs maintenance. € 94,346,08  
**HUG units:** 3 x 3000 Hrs maintenance. € 22,060.00  
**Stabilisers:** 4 x 8000Hrs maintenance. € 339,641.44  
 Total: €781,410.56

3. The above corresponds to major maintenance tasks required as per the manufacturer's instructions and maintenance schedules and any deviation from these service intervals is wholly detrimental to the safe operation of the machinery and therefore safety of the vessel and crew. Annexed hereto and marked "■ 1" is the Maintenance Schedule.

4. This does not include the servicing of ancillary equipment in the galley, laundry, cleaning of black and grey water tanks. Port and docking fees etc will also be at additional cost.

5. **Daily**

- We currently have 31 crew members onboard. We are running our own generators so daily checks are carried out on these such oil and coolant levels, general condition and ensuring no alarm conditions occur.
- The generators provide power to the entire ship systems. These include air conditioning, galley and laundry services as well as general crew systems such as hot and cold water.

- As we are alongside in port we cannot run our water makers so we have to take water onboard from a shore side supply. Before this water enters the mainstream system it needs to be treated by two separate disinfecting systems to ensure it is fit for human consumption.
- Refrigeration systems onboard are checked daily.
- Sewage treatment plant check to ensure efficient operation and to comply with maritime regulations.
- General checks of all engineering and technical spaces to ensure no leaks or fire hazards.

**6. Weekly:**

- We run up our main engines, bow and stern thrusters, steering gear to ensure all machinery is available at short notice.
- Weekly checks on fire suppression system.
- Sea strainers are checked weekly to ensure they are free of fouling and supplying sufficient cooling to generators.
- Mandatory checks of rescue boats.
- Mandatory checks of rescue boat cranes and launching system.
- Mandatory checks of emergency generator.
- Mandatory checks of all fire-fighting and life-saving equipment.

**7. Monthly**

- Bilge level alarms.
- Remote testing of emergency machinery stops.
- Onload test of emergency generator.
- Testing of remote closure of water tight doors.
- Function test of the Hi -Fog fixed fire suppression system.
- Function test for bulk head valves. (Necessary for the watertight integrity of the vessel.)

**8. Six Monthly**

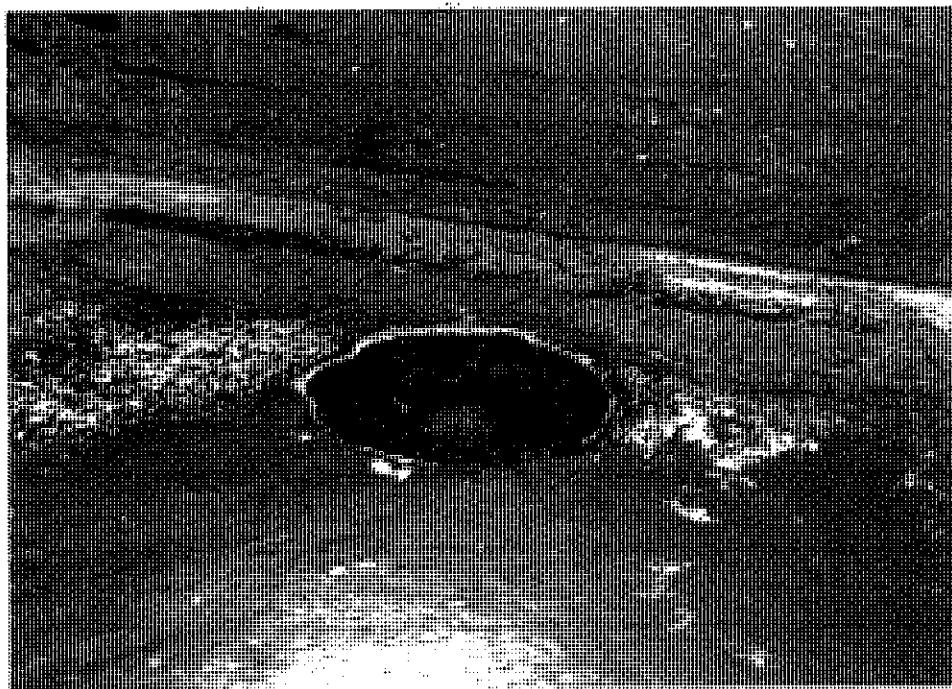
- Emptying, inspection and cleaning of fresh water tanks x 4.
- Main Engine and generator cooling system cleaning.

- Steering gear checks
- Main gearbox checks.
- Air compressor maintenance.

9. All of the above are tasks on our planned maintenance system and this list does not take into account unplanned maintenance, breakdowns etc or maintenance based upon running hours of the main machinery. Between now and the end of the year we have over 400 tasks due. While some will take a few man hours top complete some tasks such as ballast tank and fuel tank inspections can take up to four days to complete for each tank. We have 14 ballast tanks and 12 fuel tanks onboard.

10. I hope the above gives a snapshot of the maintenance required. Our system has a total of 675 jobs recurring on calendar and running hours basis.

11. In addition to the above is the issue with the large pitting found in ballast tank VIA2 needs to be addressed. The pit is measuring approx. 8-9mm deep and approx. 30mm in diameter and it is unclear how much metal is left. Ship construction diagrams show the steel in this area to be 9mm so the remaining steel will be wafer thin.

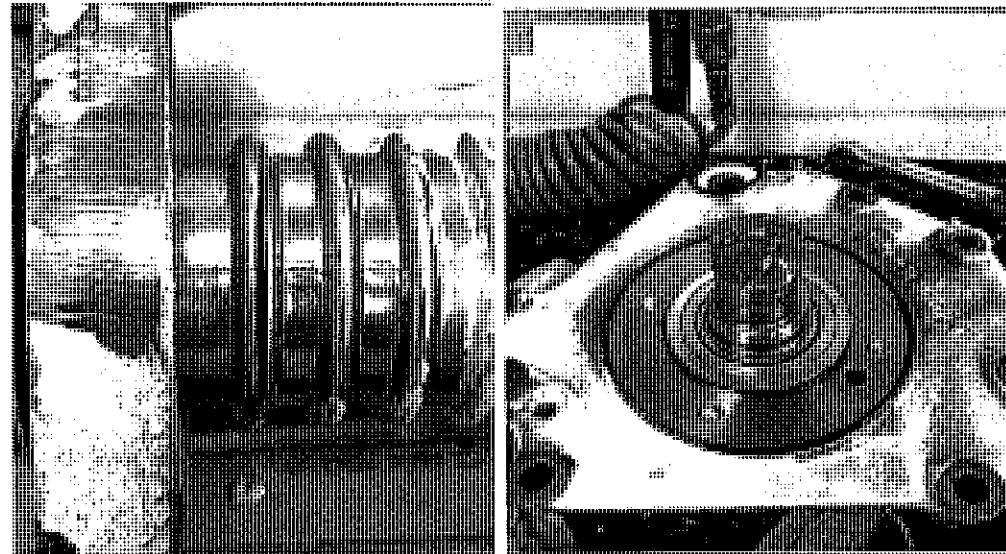


12. I have an ultrasonic tester arriving on Saturday which will allow me to measure the remaining steel but given my experience from the dry dock last year, Lloyds Register will almost certainly request the vessel to be dry docked and the steel replaced.

13. Below are pictures of two pits found in Ballast Tank VA1 last year and at the time Lloyds Register insisted that a plate measuring the size of (1000mm x 300mm) that was inserted into the ship's hull. The two pits found then were significantly smaller than the one currently in VIA2:



14. We have had several failures on previous passages including the Starboard main engine sea water pump which suffered catastrophic mechanical failure on passage in March 2020 and the failure of a turbo charger oil line which resulted in hot oil being sprayed onto the Port main engine exhaust manifold, also in March 2020:



15. Only the vigilance and actions of experienced crew, who are very familiar with onboard procedures and systems prevented these two incidents becoming disasters. The failure of the turbo charger oil line could easily had led to a major fire had it not been dealt with in a speedy and efficient manner. A failure like this has caused many fires onboard vessels over the past number of years.

<https://safety4sea.com/engine-room-fire-2/>

*Oil leakage hitting hot spots on engines is the most common cause of engine room fires on board ships.*

*According to DNV casualty statistics, more than 60% of all engine room fires have been initiated by a hot spot.*

*It is also DNV's impression that fires caused by oil leakage / hot spots is in general more serious than fires caused by other factors.*

*Most lubrication, hydraulic and fuel oils have an auto ignition point above 250C. If a liquid hits a surface hotter than its auto ignition temperature, the liquid may ignite spontaneously.*

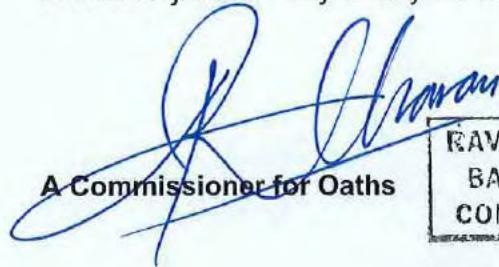
*Any such hot spot represents an immediate hazard in the case of oil leakage*

16. It needs to be mentioned in the scenario of abandoning the vessel or in the event of a black out where the use of the stored power system would be necessary to launch the rescue boat and life rafts. This is a very technical operation and only someone with experience of the system would be able to do it safely.

17. AMADEA is equipped with a MARIOFF "Hi-FOG" fixed firefighting system for accommodation spaces and Technical spaces. The Hi-FOG system is another complex system to mention that requires trained and experienced crew to operate correctly and efficiently in case of an emergency.

SWORN by the said [REDACTED] at [REDACTED]

Lautoka Fiji this 2<sup>nd</sup> day of May 2022 before me: [REDACTED]

  
A Commissioner for Oaths

RAVNEET CHARAN (LL.B P.D.L.P)  
BARRISTER, & SOLICITOR  
COMMISSIONER FOR OATHS

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**Second Respondent**

**AFFIDAVIT OF** [REDACTED]

Sworn by : [REDACTED]  
For : Second Respondent  
Date sworn : 2 May 2022  
Date filed : As endorsed by the High Court Registry



**HANIFF TUITOGA**  
12 Vesi Street  
Flagstaff  
SUVA